

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS**  
**ALBERTO MONTELONGO** § **ON PETITION FOR**  
 § **DISCRETIONARY REVIEW**  
 § **FROM THE EIGHTH COURT OF**  
**v.** § **APPEALS; CAUSE NO. 08-16**  
 § **00001-CR, AFFIRMING THE**  
 § **JUDGEMENT IN CAUSE**  
**STATE OF TEXAS** § **NUMBER 20150D02224, FROM**  
 § **THE 243<sup>rd</sup> JUDICIAL DISTRICT**  
 § **COURT EL PASO COUNTY,**  
 § **TEXAS**

**MOTION TO EXTEND TIME TO**  
**FILE PETITION FOR DISCRETIONARY REVIEW**

**TO THE HONORABLE JUDGES OF SAID COURT:**

Now comes Alberto Montelongo, Appellant in the above styled and numbered cause, and moves for an extension of time of 45 days to file a petition for discretionary review, and for good cause shows the following:

1. On August 31, 2018, the Eighth Court of Appeals affirmed appellant's conviction in the case styled *State of Texas v. Alberto Montelongo* and numbered 20150D02224.
2. Appellant through previous counsel moved for a rehearing on December 14, 2018. Appellant's motion for rehearing was denied on January 9, 2019.
3. The Petition for Discretionary Review was due on February 9, 2019.
4. Appellant requests an extension of time of 45 days from the current date, i.e. April 8, 2019.

5. No extension to file the Petition for Discretionary Review has been received in this cause.
6. Defendant is currently incarcerated.
7. Appellant relies on the following facts as good cause for the requested extension:
8. Counsel is preparing for trial set on March 8, 2019 in the case styled the *State of Texas v. Antonio Carrasco* cause number 20140D05079.
9. Counsel is preparing for trial set on March 25, 2019 in the case styled the *State of Texas v. Antonio Carrasco* cause number 20160D06100.

**WHEREFORE, PREMISES CONSIDERED,** appellant respectfully requests an extension of 45 days, i.e. until April 8, 2019, to file a petition for discretionary review.

Respectfully Submitted,

/s/ Joe A Spencer

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## **CERTIFICATE OF SERVICE**

Undersigned counsel hereby acknowledges that, on February 22, 2019, a copy of the foregoing documents was served, through his Appellate Division, on Mr. Jaime Esparza, District Attorney for the 34th Judicial District of Texas, via notification provided by the electronic filing notification service to [DAAppeals@epcounty.com](mailto:DAAppeals@epcounty.com)

/s/ Joe A. Spencer

Joe A. Spencer, Attorney